

1 THE HONORABLE BENJAMIN H. SETTLE  
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9 UNITED STATES DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON  
11 AT TACOMA

12 KITSAP TRANSIT, a Washington municipal corporation, } IN ADMIRALTY  
13 Plaintiff, } Civil No. 3:09-CV-05665-BHS  
14 v. }  
15 THE UNITED STATES OF AMERICA, et al. Defendants. } ORDER OF DISMISSAL OF CLAIMS  
16 AND ACTIONS, WITH PREJUDICE  
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Assistant Attorney General  
JENNY A. DURKAN  
United States Attorney  
HAROLD MALKIN  
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Torts Branch, Civil Division  
U.S. Department of Justice  
7-5395 Federal Bldg., Box 36028  
450 Golden Gate Avenue  
San Francisco, California 94102-3463  
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Attorneys for Defendant and Third-Party Plaintiff  
UNITED STATES OF AMERICA

9 WHEREFORE, pursuant to the subjoined consents of counsel, subject to the terms of  
10 settlement reached by and between the parties, and further consistent with the Consent  
11 Judgment entered separately in favor of plaintiff Kitsap Transit against the United States, it  
12 is hereby

13 ORDERED that any and all existing and/or potential actions, claims, counterclaims,  
14 cross-claims, and third-party claims of the United States against plaintiff Kitsap Transit, M/V  
15 CARLISLE II, *in rem*, third-party defendant Foss Maritime Company, third-party defendant  
16 A.H. Powers, third-party defendant Kitsap Harbor Tours LLC, and third-party defendant  
17 M/V ADMIRAL PETE, *in rem*, that pertain to or relate to the subject matter of the incident  
18 sued upon herein shall be, and the same are, dismissed with prejudice; and it is further

19 ORDERED that any and all existing and/or potential actions, claims, counterclaims,  
20 cross-claims, and third-party claims of M/V CARLISLE II, *in rem*, third-party defendant  
21 Foss Maritime Company, third-party defendant A.H. Powers, third-party defendant Kitsap  
22 Harbor Tours LLC, and third-party defendant M/V ADMIRAL PETE, *in rem*, against the  
23 United States that pertain to or relate to the subject matter of the incident sued upon herein  
24 shall be, and the same are, dismissed with prejudice; and it is further

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Torts Branch, Civil Division  
450 Golden Gate Avenue, Box 36028  
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1 ORDERED that any and all existing and/or potential actions, claims, counterclaims,  
2 cross-claims, and third-party claims by and between plaintiff Kitsap Transit, M/V  
3 CARLISLE II, *in rem*, third-party defendant Foss Maritime Company, third-party defendant  
4 A.H. Powers, third-party defendant Kitsap Harbor Tours LLC, and third-party defendant  
5 M/V ADMIRAL PETE, *in rem*, that pertain to or relate to the subject matter of the incident  
6 sued upon herein shall be, and the same are, dismissed with prejudice; and it is further

7 ORDERED that each party shall bear its own costs and fees; and it is further

8 ORDERED that no party having admitted liability or fault with respect to such claims of  
9 the other parties herein, which claims are expressly denied by the parties, the Court makes no  
10 findings, express or implied, with respect to such disputed issues of liability and fault.

11 IT IS SO ORDERED.

12  
13 Dated: 8/13/10

  
14 UNITED STATES MAGISTRATE JUDGE

15 We hereby consent to the entry of the foregoing Order:

16 Dated: August 10, 2010

TONY WEST  
Assistant Attorney General  
JENNY A. DURKAN  
United States Attorney  
HAROLD MALKIN  
Assistant United States Attorney

s/R. Michael Underhill

21 R. MICHAEL UNDERHILL  
22 Attorney in Charge, West Coast Office  
23 Torts Branch, Civil Division  
U.S. Department of Justice

24 Attorneys for Defendant and Third-Party Plaintiff  
United States of America

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26 U.S. Dept. Of Justice  
27 Torts Branch, Civil Division  
450 Golden Gate Avenue, Box 36028  
28 ORDER OF DISMISSAL San Francisco, CA 94102  
Case No. 09-CV-05665-BHS (415) 436-6648

Dated: August 10, 2010.      LAW OFFICE OF DAVID P. HORTON, INC. PS  
s/ David P. Horton  

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DAVID P. HORTON  
Attorney for Plaintiff  
Kitsap Transit and M/V CARLISLE II, *in rem*

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**ORDER OF DISMISSAL**  
Case No. 09-CV-05665-BHS

1 Dated: August 10, 2010. Garvey Schubert Barer

2 s/David West

3 **DAVID WEST**

4 Attorneys for Third Party Defendant  
5 Foss Maritime Company

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28 ORDER OF DISMISSAL  
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1 Dated: May 05, 2010.

2 BAROKAS, MARTIME & TOMLINSON

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4 LARRY L. BAROKAS

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Attorneys for Third Party Defendant  
A.H. Powers

ORDER OF DISMISSAL  
Case No. 09-CV-05665-BHS

1 Dated: August 10, 2010. LeGros, Buchanan & Paul

2 s/Markus B.G. Oberg

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4 MARC E. WARNER  
5 MARKUS B.G. OBERG

6 Attorneys for Third Party Defendants  
7 Kitsap Harbor Tours, LLC and  
8 M/V ADMIRAL PETE, *in rem*

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ORDER OF DISMISSAL  
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